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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,331	07/18/2003	Robert A. Cordery	F-726	4828

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EXAMINER

COSIMANO, EDWARD R

ART UNIT PAPER NUMBER

3629

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,331

Applicant(s)

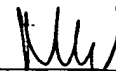
CORDERY ET AL.

Examiner

Edward R. Cosimano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Exhibit A</u> . |

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1. Applicant should note the changes to patent practice and procedure:
 - A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997;
 - B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000; and
 - C) Amendment in revised format, Vol. 1267 of the Official Gazette published February 25, 2003.
2. Applicant's claim for the benefit of an earlier filing data under 35 U.S.C. § 119(e) is acknowledged.
3. The disclosure is objected to because of the following informalities:
 - A) the following errors have been noted in the specification:
 - (1) at page 26, line 1, "What is claim d is:" should be -What is claimed is:-, note the attached copy of page 26 as originally filed.

Appropriate correction is required.

4. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).
5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability

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under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5.1 Claims 1-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sansone et al (5,019,991).

5.1.1 In regard to claims 1-7, Sansone et al ('991) discloses processing a batch of mail by a postal infrastructure, that is the post office, in order to certify that the correct amount of postage for the items of mail in the batch has been applied to the mail prepared by a mailer. To this end, a mailer using a mailer system would prepare items of mail with certain preplanned events in mind, where the preplanned events include, for example one or more of the following:

- A) the mail is sorted by zip code or carrier route; or
 - B) the size of the mail batch meets bulk mail requirements; or
 - C) the mail includes barcodes zip codes; or
 - D) the mail has meet the requirements of being bundled or trayed; or
 - E) the mail is part of a drop shipment;
 - F) the future time and date that the batch of mail is to be dropped off at the Post Office;
- etc.

Based on the applicable of any of the above preplanned events as determined from previously stored criteria, the mailer would in advance create one or more items of mail to be included in a batch of mail. Where the discounted amount of postage applied to each of the items of mail in the batch of mail by the mailer is based on a prediction of the mailer that the items of mail that will form the completed batch of mail will, based on preplanned item count, and/or a level of sorting of mail, and/or an item weight, qualify to meet the requirements/criteria of the Post Office for receiving a discounted amount of postage for each item of mail in the batch at the future time the complete batch of mail is to be dropped off at the Post Office. It is further noted that as is would be well understood by one of ordinary skill at the time of the invention, the discounted amount of postage that the Post Office provides to a mailer is based on the

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amount of work shared between the mail processing performed by the mailer and the processing that Post Office does not have to perform when delivering the mail with in the batch of mail. Based on this preplanned belief of the mailer, the mailer would apply the appropriate amount of discounted postage to each of the items of mail in the batch. After the preplanned batch of mail has been completed, the mailer would at a preplanned time appropriately introduce the mail into the postal infrastructure, that is drop the batch off at the Post Office, with any of the necessary documentation of the preprocessing performed by the mailer as a request for receiving a discounted postage rate for each item mail in the batch of mail.

5.1.2 Once the batch of mail has entered the postal infrastructure of the Post Office, as disclosed by Sansone et al ('991) at lines 12-13 of the first paragraph of the "Background of the Invention" at column 1, "Short paid mail is identified by the postal service as part of their acceptance procedure.", where this acceptance procedure may be performed in many different ways. One way of verifying the batch of mail in the postal infrastructure includes scanning of both the submitted documentation/statement/manifest for the batch of mail and a sampling one or more of the items of mail with in the batch. Next the Post Office would compare the manifest data to the data obtained from the items of mail and, if the Post Office determines that the batch of mail being submitted meets the requirements of the Post Office for the applied discounted amount of postage, the batch of mail is accepted by the Post Office. Otherwise the batch of mail rejected by the Post Office. If the batch of mail is accepted by the Post Office, then the mailer would be notified that the batch of mail meets the requirements of the Post Office and hence one or more of the above preplanned events has occurred. Whereas if the determination of the post office in regard to the items of mail in the batch of mail shows that the mailer is not qualified for the reduced amount of applied postage, then the post office would adjust the applied postage by applying the correct amount of postage to each of item of mail in the batch of mail.

5.1.3 As is common practice, the post office requires that mailers prepaid for the correct amount of postage that is required to be applied to an item of mail, hence it would have been inherent to one of ordinary skill at the time the invention was made that the system of Sansone et al ('991) that the post office would appropriately notify the mailer and meter of any

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additional required postage value that has been applied to the items of mail, so that the additional postage would be properly accounted for by the mailer and meter and post office would not process any mail that has not been properly accounted for by the mailer and meter. It is further noted that for the mailer to be notified, the post office must have access to a mailer/meter database so that the correct mailer/meter is charged for the additional postage value that has been applied to the items of mail

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR § 1.136(a).

6.1 A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR § 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Response to applicant's arguments.

7.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been overcome by applicant's last response.

7.2 As per the 35 U.S.C. § 10 {fill in} rejection, since:

A) since as disclosed in reference to fig. 2 in the paragraph between columns 4-5, the certification performed by the mailer is based on whether postage has been preprinted (fig. 2: step 1008), where:

(1) if postage has been preprinted (fig. 2: step 1008) and the printed postage is correct based on information previously supplied by concerning a predetermined weight value and a predetermined item count of mail in the batch (fig. 2: step 1018) and a certification stamp is placed on the item of mail (fig. 2: step 1014); or

(2) if postage has been preprinted (fig. 2: step 1008) and the printed postage is not correct based on information previously supplied by concerning a predetermined weight value and a predetermined item count of mail in the batch (fig. 2: step 1018) then the descending register of the mailer is adjusted for the correct amount of postage (fig. 2: step 1012) and a certification stamp is placed on the item of mail (fig. 2: step 1014); or

(3) if postage has been not be preprinted (fig. 2: step 1008) then the corrected amount of postage is printed based on information previously supplied by concerning a predetermined weight value and a predetermined item count of mail in the batch (fig. 2: step 1010) next the descending register of the mailer is adjusted for the correct amount of postage (fig. 2: step 1012) and a certification stamp is placed on the item of mail (fig. 2: step 1014).

Hence, as taught by Sansone et al (5,019,991), although based on this certification stamp allied by the mailer, the Post Office may not verify that the correct amount of postage has been applied to each item in the batch of mail, Sansone et al (5,019,991) does not teach or suggest that the verification of a batch of mail dropped off at the Post Office, as discussed in the background of the invention, is in fact not performed by the Post Office when the batch of mail with an authentic certification mark applied by Sansone et al (5,019,991) is entered into the Post Office.

applicant's arguments are non persuasive.

8. Applicant must supply prior art listed in paragraph number 10;

A) non patent literature: the "November 1999 GAO report".

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

9.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

9.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

9.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

11/11/04



Edward R. Cosimano
Primary Examiner A.U. 3629

Exhibit A

What is Claim d is:

1. A closed loop postage metering system comprising:
 - a meter provider infrastructure including a meter database;
 - a postal infrastructure in operative communication with the meter provider infrastructure, the postal infrastructure including equipment and processes for submission, processing, transporting and delivery of a mail piece;
 - a mailer system in operative communication with the meter provider infrastructure and the postal infrastructure, the mailer system including a postage meter, the postage meter accounting for and printing postage value for the mail piece and printing on the mail piece information identifying services requested for the mail piece;
 - wherein the postal infrastructure determines an adjusted postage value for the mail piece based on the occurrence of events related to the requested services during the processing the mail piece; and
 - wherein the postal infrastructure sends the adjusted postage value to the meter for the meter to account for the adjusted postage value.
2. The system of claim 1 wherein the meter provider infrastructure includes an events database and the postal infrastructure includes a planned events database and a transaction database used during the processing of the mail items.
3. The system of claim 1 wherein the requested services are conditioned on the occurrence of at least one certain event.
4. A method for processing mail items, the method comprising the steps of:
 - creating a mail piece;
 - creating a list of planned events associated with the mail piece;